

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases.

Judith E. Levy
United States District Judge

_____/

This Order Relates To:

ALL CASES

_____/

**ORDER GRANTING MOTION TO SEAL PORTIONS OF
BRENT L. FINLEY'S EXPERT REPORT [2481]**

Before the Court is Veolia North America, LLC, Veolia North America, Inc., and Veolia North America Operating Services, LLC's ("VNA") motion to seal portions Brent Finley's expert report. (ECF No. 2481.) VNA proposes redacting names of minor children, Class Plaintiffs' home addresses, and medical information from the report. Under Local Rule 7.1, Class Plaintiffs consented to the relief VNA requests. (*Id.* at PageID.81976.)

Eastern District of Michigan Local Rule 5.3 governs civil material filed under seal or with redactions. "There is a strong presumption in favor of open judicial records." *Shane Grp., Inc. v. Blue Cross Blue Shield*

of Mich., 825 F.3d 299, 305 (6th Cir. 2016). A request for a seal must be “narrowly tailored . . . in accord with applicable law.” E.D. Mich. LR 5.3(b)(2).

The Court may grant a motion to seal or redact “only upon a finding of a compelling reason why certain documents or portions thereof should be sealed.” *Id.* at (b)(3)(B)(i). The Court must make its decision based on the following three factors: “why the interests in support of nondisclosure are compelling, why the interests supporting access are less so, and why the seal itself is no broader than necessary[.]” *Shane Grp.*, 925 F.3d at 306.

When applying the first factor to the names of minor Plaintiffs, the Court finds that there is an interest in protecting these children from identification at this stage in the litigation. Moreover, Federal Rule of Civil Procedure 5.2(a) contemplates this interest where it states that any filing with the Court that contains the name of an individual known to be a minor “may include only . . . the minor’s initials.” *Id.*

As to the addresses of certain Class Plaintiffs, the Court has had a previous occasion in this litigation to evaluate a similar request. On April 6, 2021, the Court found that home addresses of certain named Plaintiffs

in an expert report should be sealed. (ECF No. 1577, PageID.60634–60639.) *In re Flint Water Cases*, No. 16-10444, 2021 WL 4070840 (E.D. Mich. April 6, 2021). The same analysis and reasoning applies here in favor of sealing this narrowly tailored request.

As to medical information regarding individuals, the Court finds that such information remains confidential for the same reasons set forth in its previous orders related to this material. (ECF Nos. 1290, 1916, 1928, 2392.) The same analysis and reasoning applies here in favor of sealing this narrowly tailored request.

Accordingly, VNA's motion to seal is granted.

IT IS SO ORDERED.

Dated: June 7, 2023
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on June 7, 2023.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager